

DISTRACTED DRIVER AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends provisions related to the use of a handheld wireless communication device while operating a motor vehicle.

Highlighted Provisions:

This bill:

- ▶ defines terms related to the operation of handheld wireless communication devices;
- ▶ prohibits certain uses of a handheld wireless communication device while operating a motor vehicle on a roadway;
- ▶ provides limited exceptions to the prohibition on the use of a handheld wireless communication device while operating a motor vehicle on a roadway; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1716, as last amended by Laws of Utah 2014, Chapter 416

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-1716** is amended to read:

41-6a-1716. Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.

(1) As used in this section:

(a) (i) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.

~~(b)~~ (ii) "Handheld wireless communication device" includes [a]:

33 ~~[(i)]~~ (A) a wireless telephone;
 34 ~~[(ii)]~~ (B) a text messaging device;
 35 ~~[(iii)]~~ (C) a laptop; or
 36 ~~[(iv)]~~ (D) any substantially similar communication device that is readily removable
 37 from the vehicle and is used to write, send, or read text or data through manual input.

38 (b) "Hands-free operation" means the use of a handheld wireless communication
 39 device without manual manipulation.

40 (c) (i) "Manual manipulation" means the use of a hand to hold or operate a handheld
 41 wireless communication device.

42 (ii) "Manual manipulation" does not include the use of a hand to activate or deactivate
 43 a feature or function of the handheld wireless communication device if:

44 (A) the manipulation is a single swipe or tap of a finger; and

45 (B) the handheld wireless communication device is mounted on the vehicle's
 46 windshield, dashboard, or center console in a manner that does not hinder the operator's view
 47 of the road.

48 (2) Except as provided in Subsection (3), ~~[a person]~~ an individual may not hold or use
 49 a handheld wireless communication device while operating a moving motor vehicle on a
 50 [highway] roadway in this state [to manually].

51 ~~[(a) write, send, or read a written communication, including:]~~

52 ~~[(i) a text message;]~~

53 ~~[(ii) an instant message; or]~~

54 ~~[(iii) electronic mail;]~~

55 ~~[(b) dial a phone number;]~~

56 ~~[(c) access the Internet;]~~

57 ~~[(d) view or record video; or]~~

58 ~~[(e) enter data into a handheld wireless communication device.]~~

59 (3) (a) Subsection (2) does not prohibit ~~[a person]~~ an individual from:

60 (i) hands-free operation of a wireless communication device while operating a motor
 61 vehicle on a roadway; or

62 (ii) using a handheld wireless communication device while operating a [moving] motor
 63 vehicle on a roadway:

- 64 ~~[(a) when using a handheld communication device for voice communication;]~~
 65 ~~[(b) to view a global positioning or navigation device or a global positioning or~~
 66 ~~navigation application;]~~
 67 (A) if the motor vehicle is parked on the roadway in a manner allowed under this
 68 chapter;
 69 ~~[(c)]~~ (B) during a medical emergency;
 70 ~~[(d)]~~ (C) when reporting a safety hazard or requesting assistance relating to a safety
 71 hazard;
 72 ~~[(e)]~~ (D) when reporting criminal activity or requesting assistance relating to a criminal
 73 activity; or
 74 ~~[(f)]~~ (E) when used by a law enforcement officer or emergency service personnel acting
 75 within the course and scope of the law enforcement officer's or emergency service personnel's
 76 employment[; or].
 77 ~~[(g) to operate:]~~
 78 ~~[(i) hands-free or voice operated technology; or]~~
 79 ~~[(ii) a system that is physically or electronically integrated into the motor vehicle.]~~
 80 (b) Except as allowed under Subsection (3)(a)(ii), an individual may not use a handheld
 81 wireless communication device while operating a motor vehicle on a roadway to:
 82 (i) read a written communication, including:
 83 (A) a text message;
 84 (B) an instant message; or
 85 (C) electronic mail; or
 86 (ii) view or record video.
 87 (4) A person convicted of a violation of this section is guilty of a:
 88 (a) class C misdemeanor ~~[with a maximum fine of \$100];~~ or
 89 (b) class B misdemeanor if the person:
 90 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
 91 handheld wireless communication device in violation of this section while operating a moving
 92 motor vehicle on a highway in this state; or
 93 (ii) has a prior conviction under this section, that is within three years of:
 94 (A) the current conviction under this section; or

95 (B) the commission of the offense upon which the current conviction is based.